

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-VS-

**DECISION AND ORDER**

24-CR-6074-CJS-MWP

ERIC ANTHONY,

Defendant.

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**Siragusa, J.** This case was referred by text order of the undersigned, docketed on April 30, 2024, ECF No. 9, to Magistrate Judge Mark W. Pedersen, pursuant to 28 U.S.C. § 636(b)(1)(A)-(B). On July 25, 2024, Jeffrey L. Ciccone, Assistant Federal Public Defender and counsel for Defendant, filed a Motion for Competency Evaluation, ECF No. 17, based upon his belief that his client may be incompetent to stand trial. Subsequently, on January 16, 2025, ECF No. 33, and January 21, 2025, ECF No. 34, Magistrate Judge Pedersen conducted a hearing to determine whether Defendant was competent to stand trial. On May 1, 2025, Magistrate Judge Pedersen, filed a Report and Recommendations ("R&R") ECF No. 45, recommending that the Court determine Defendant incompetent to stand trial. The Government, pre-hearing, disagreed that Defendant lacked the competency to stand trial. However, in a post-hearing submission, ECF No. 42, the Government stated that "this Court should find the defendant not presently competent to proceed to trial and assist in his defense." In that regard, the time has passed for filing objections to the R&R, and none have been filed.

Accordingly, for the reasons set forth in Magistrate Judge Pedersen's R&R, ECF No. 45, the Court finds Defendant incompetent to stand trial. The Court directs that Defendant be committed to the custody of the Attorney General for a reasonable period, not to exceed four months, to determine "whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit the proceeding to go forward." 18 U.S.C. § 4241(d)(1).

IT IS SO ORDERED.

DATED: Rochester, New York  
May 16, 2025

ENTER:

  
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CHARLES J. SIRAGUSA  
United States District Judge